

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

EUNICE MURPHY,)
)
Plaintiff,)
)
vs.)
)
MIDLAND CREDIT MANAGEMENT)
INC.; PROVIDIAN FINANCIAL)
CORPORATION; EXPERIAN)
INFORMATION SOLUTIONS, INC.;)
EQUIFAX INFORMATION SERVICES,)
LLC; and TRANS UNION LLC;)
)
Defendants.)

FILED

SEP 23 2005

U. S. DISTRICT COURT
E. DIST. OF MO.
ST. LOUIS

4 05CV01545 D D N

JURY TRIAL DEMANDED

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§ 1331, 1441 and 1446, Defendant, Trans Union, LLC (“**Trans Union**”), by counsel, hereby removes the subject action from the Circuit Court of the City of St. Louis, to the United States District Court for the Eastern District of Missouri, on the following grounds:

1. Plaintiff, Eunice Murphy, served Trans Union on or about August 24, 2005, with a copy of the Complaint. A copy of that pleading is attached hereto as Exhibit “A”. Plaintiff filed her Complaint on August 18, 2005 in the Circuit Court of the City of St. Louis. No other process, pleadings or orders have been served on Trans Union.

2. In Paragraphs 1, 2, 3 and 5 and in Counts I and II of Plaintiff’s Complaint, Plaintiff alleges jurisdiction under, and violations of the Fair Credit Reporting Act, 15 U.S.C. § 1681, *et seq.* by all Defendants. Exhibit “A”.

3. This Court has original jurisdiction over the subject action pursuant to 28 U.S.C. § 1331 since there is a federal question.

4. As alleged, this suit falls within the purview of the Fair Credit Reporting Act, 15 U.S.C. § 1681, *et seq.*, which thus supplies this federal question.

5. Pursuant to 28 U.S.C. § 1441, *et seq.*, this cause may be removed from the Circuit Court of the City of St. Louis to the United States District Court for the Eastern District of Missouri.

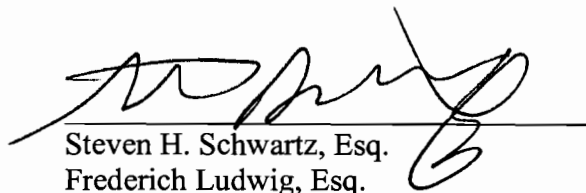
6. All co-Defendants have consented to the removal of this action. The written Consents of co-Defendants Midland Credit Management, Inc., Experian Information Solutions, Inc., and Equifax Information Services, LLC are attached hereto as Exhibit "B". Counsel for co-Defendant Providian Financial Corp. has expressly authorized counsel for Trans Union to represent that Providian Financial Corp. consents to the removal of this matter.

7. Notice of this removal has been filed with the Circuit Court of the City of St. Louis and upon all adverse parties.

WHEREFORE, Defendant, Trans Union, LLC, by counsel, removes the subject action from the Circuit Court of the City of St. Louis to the United States District Court for the Eastern District of Missouri.

Dated: September 23, 2005

Respectfully submitted,



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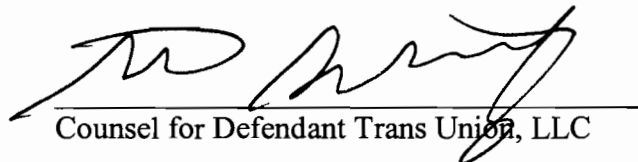
Counsel for Trans Union, LLC

CERTIFICATE OF SERVICE

I hereby certify that the foregoing has been filed served upon the following via First Class United States Mail, postage prepaid this 23rd day of September, 2005:

Blair K. Drazic, Esq.
711 Old Ballas Road, Suite 220
Creve Coeur, MO 63141

Counsel for Plaintiff


Counsel for Defendant Trans Union, LLC

7834383

EXHIBIT A

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IN THE CIRCUIT COURT OF THE CITY OF ST. LOUIS
STATE OF MISSOURI

EUNICE MURPHY,

Plaintiff,

vs.

MIDLAND CREDIT MANAGEMENT
INC.

Serve At: 8875 Aero Dr.
San Diego, CA 92123

and

PROVIDIAN FINANCIAL
CORPORATION

Serve: 201 Mission Street
San Francisco, CA 94105

and

EXPERIAN INFORMATION
SOLUTIONS, INC.

Serve: The Corporation Company
120 So. Central Ave.
Clayton, MO 63105

and

EQUIFAX INFORMATION
SERVICES, LLC.

serve: CSC Lawyers Inc. Service Co.
221 Bolivar St.
Jefferson City, MO 65101

and

TRANS UNION LLC,
serve at: 515 Olive St.

St. Louis, MO
Defendants.

Cause No.

JURY TRIAL/DEMANDED

PETITION

Allegations Common to All Counts

Comes now Plaintiff, Eunice Murphy, and for his causes of action against the Defendants alleges as follows:

1. That Plaintiff, is an adult citizens of the United States and of the State of Missouri. That Plaintiff is a "consumer" and beneficiary of the provisions of the Fair Credit Reporting Act Title 15, Section 1681 U.S.C. et.seq.
2. That Defendant Midland Credit Management, Inc. (hereinafter "Midland") is a corporation and a "debt buyer" and Providian Financial Corporation (hereinafter "Providian") is a banking institution and at all times herein mentioned both were furnishers of information to consumer reporting agencies under 15 U.S.C. Sec. 1681s-2; Trans Union LLC (hereinafter "Trans Union", Experian Information Solutions, Inc. (hereinafter "Experian") and Equifax Information Services, LLC (hereinafter "Equifax") are limited liability companies or corporations in good standing and licensed to do business in the State of Missouri. That defendant Trans Union has an office for the transaction of it's ordinary business in the City of St. Louis.
3. That Defendants Trans Union, Equifax and Experian are credit reporting agencies as that term is defined in the Fair Credit Reporting Act, Section 15 U.S.C. 1681 et.seq. and are bound by the provisions of said statute. That Defendants Trans Union, Equifax and Experian have, within two years of the filing of this petition, issued reports regarding Plaintiff affecting credit applications plaintiff has made in Missouri that constitute consumer reports under said act and/or is a credit reporting agency that maintains files on a nationwide basis and has a duty to report investigation results to other such bureaus who have issued reports on plaintiff.

4. That the Defendants Trans Union, Equifax and Experian employ systems whereby they report consumers credit by way of a series of letters and numbers which the Defendants explains to its subscribers. That said letters and numbers have acquired a meaning in the credit granting industry.

5. That the Defendants Trans Union, Equifax and Experian, based on information provided by defendants Midland and Providian reported to one or more creditors that Plaintiff had a delinquent account or accounts with Midland and Providian when plaintiff did not owe the balances on the accounts and they weren't her accounts. Further, Plaintiff repeatedly and continuously advised all Defendants in writing and otherwise that these was not her accounts and that she was not liable for the balances and thereby instituted numerous consumer disputes. Further, Experian, Trans Union and Equifax (or it's agent) sent such disputes to Midland and Providian which was received by Midland and Providian as contemplated by 15 U.S.C. s-2(b).

6. That after having received such notice Providian and Midland continued to report erroneous information to Experian, Equifax and Trans Union..

7. That in reporting the negative accounts, Defendants highlighted the negative nature of said accounts to subscribers.

COUNT 1 - Negligence FCRA

Comes now Plaintiff, Eunice Murphy, and for his cause of action against the Defendants under Count I alleges as follows:

1. Defendants Midland and Providian was negligent in that it failed to conduct reasonable investigation, or alternatively, any investigation of plaintiff's disputes as required by 15 U.S.C. Sec 1681s-2(b).

2. That the Defendants Trans Union, Equifax and Experian failed to have reasonable procedures to insure maximum possible accuracy of the information disseminated concerning Plaintiff and failed to properly investigate plaintiff's dispute, and was thereby negligent, in one or more of the following respects, to wit:

- A. Defendant did nothing but send repeated CDV forms to creditors and then believed whatever those creditors reported, despite Plaintiff's credible dispute.
- B. Defendants repeatedly failed to conduct reasonable investigations.
- C. Defendant had inadequate procedures in cases wherein creditors abused the system to collect from ex-spouses that were not obligated on accounts.

3. That as a direct and proximate result of the Defendant's negligence as alleged herein, Plaintiff's credit was reported as alleged herein and Plaintiff's credit standing was and will in the future be damaged and destroyed with Experian, Trans Union and Equifax and other consumer reporting agencies that maintain files on a nationwide basis, causing Plaintiff to sustain denials of credit, emotional distress which was a real injury, inconvenience and expense caused by the denials of credit. Further, defendants continue to report inaccurate data.

WHEREFORE, Plaintiff prays judgment under Count I in such sum as is just and reasonable together with interest, attorney's fees and her costs herein expended.

COUNT II - Willful Violation FCRA

Comes now Plaintiff, Eunice Murphy and for her cause of action against the Defendants under Count II alleges as follows:

- 1. That Defendants Midland and Providian failed to investigate plaintiff's dispute

but only made a cursory review of limited data they knew would not answer plaintiff's disputes.

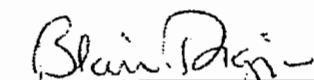
2. That the Defendants Trans Union, Experian and Equifax willfully failed to comply with the Fair Credit Reporting Act by willfully failing to have reasonable procedures to insure maximum possible accuracy of the information disseminated concerning Plaintiff and willfully failing to properly investigate plaintiff's disputes, instead performing sham investigations, in one or more of the following respects:

A. Defendants did nothing but send CDV forms to creditors and believed whatever the creditors reported despite Plaintiff's credible dispute despite defendants' knowledge that this procedure allowed a very high number of mistakes.

B. That the Defendants routinely believed creditors' responses to the dispute despite their knowledge that the defendant creditor's efforts with respect to the disputes were likely cursory and that there was a high probability of abusing the system to collect debts.

2. That as a direct and proximate result of the Defendants' actions, as aforesaid, Plaintiff's credit was improperly reported as set forth herein causing Plaintiff's credit standing to be damaged or diminished with Trans Union, Equifax and Experian and other consumer reporting agencies that maintain files on a nationwide basis and causing Plaintiff to sustain denials of credit, emotional distress that was a real injury, inconvenience and expense caused by the denials of credit. Further defendant Equifax continues to report inaccurate data.

WHEREFORE, Plaintiff prays judgment under Count II in such sum as is just and reasonable together with punitive damages in such sums as is just and reasonable together with interest, attorney's fees and his costs herein expended. Further, defendants continue to report inaccurate data.



BLAIR K. DRAZIC #26345

Attorney for Plaintiff

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